

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FILED

08 JAN 15 AM 7:58

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

PAC

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHARLES R. JORDAN,

Plaintiff,

vs.

JOHN E. POTTER, POSTMASTER
GENERAL, UNITED STATES POSTAL
SERVICE,

Defendants.

CASE NO. 08cv47 WQH (POR)

ORDER

HAYES, Judge:

On January 8, 2008, Defendants removed the above-captioned action from the Superior Court of California, County of San Diego, to the United States District Court, Southern District of California. (Doc. # 1). On January 8, 2008, Defendants filed the "Ex Parte Application for an Order Establishing Time to Respond to Plaintiff's Complaint and Order Establishing Time to Respond." (Doc. # 2). Rule 12(a) of the Federal Rules of Civil Procedure provides that in an action originally filed in the United States District Court against the United States, the United States "must serve an answer to a complaint . . . within 60 days after service on the United States attorney." Fed. R. Civ. P. 12(a)(2). Rule 81(c) of the Federal Rules of Civil Procedure provides that after a case is removed to the United States District Court, a "defendant who did not answer before removal must answer or present other defenses or objections within the longest of these periods:" 20 days after receiving a copy of the initial pleading, 20 days after being served with the summons for an initial pleading, or 5 days after the notice of removal is filed. Fed. R. Civ. P.

1 81(c)(2). Defendants request that "the Court issue an order establishing that the United States of
2 America shall have sixty days from the date of removal to respond to Plaintiff's Complaint" in
3 order to "clarify a time to respond to the Plaintiff's Complaint, and to ensure that the United States
4 will be able to utilize the 60 days provided by Rule 12 to prepare its response." *Application*, p. 2.

5 IT IS HEREBY ORDERED that the "Ex Parte Application for an Order Establishing Time
6 to Respond to Plaintiff's Complaint and Order Establishing Time to Respond" (Doc. # 2) is
7 **GRANTED**. The United States shall file and serve a response to the Complaint no later than
8 March 8, 2008.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

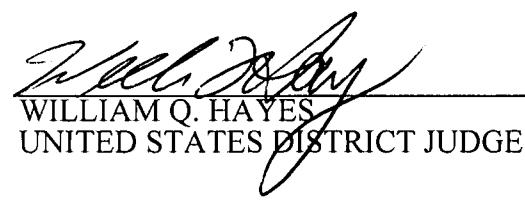
25

26

27

28

Date: 1/14/08


WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE